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Defendants filed a Response (Doc. 21) in opposition. Gibbs Patrick Farms filed no reply.

Federal Rule of Civil Procedure 7(a) forbids a plaintiff from submitting a reply to an answer unless the answer contains a counterclaim or the plaintiff is ordered to reply by the court. See also Fed. R. Civ. Proc. 12(a)(2) (authorizing a plaintiff to serve a reply to a counterclaim contained in an answer). A plaintiff is not prejudiced by Rule 7(a) because Federal Rule of Civil Procedure 8(d) provides averments in pleadings to which no responsive pleadings are required or permitted are assumed to be denied. As a result, numerous courts have held that replies to affirmative defenses will generally not be permitted. See, e.g., Merrill Lynch Bus. Fin. Servs., Inc. v. Performance Mach. Sys. U.S.A., Inc., No. 04-60861, 2005 WL 975773, at \*12 (S.D. Fla. Mar. 4, 2005); Petit v. City of Chicago, 239 F.Supp.2d 761, 771 (N.D. Ill. 2002); Moviecolor, Ltd. v. Eastman Kodak Co., 24 F.R.D. 325, 326 (S.D.N.Y. 1959).

Here, Gibbs Patrick Farms need not file a reply to Defendants' affirmative defenses, as they are already deemed denied. The parties' various claims and defenses are better addressed in the context of motions under Federal Rules of Civil Procedure 12 and 56 at a later point, if appropriate. Accordingly, the "Motion for Leave to File a Reply to Defendants Syngenta Seeds, Inc.'s and Clifton Seed Company Georgia's First Additional Defenses" (Doc. 14) filed by Gibbs Patrick Farms is denied.

SO ORDERED, this the 12<sup>th</sup> day of October, 2006.

s/ **Hugh Lawson**  
HUGH LAWSON, JUDGE

pdl